

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A.)
DREW EDMONDSON, in his capacity)
of ATTORNEY GENERAL OF THE)
STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)
STATE OF OKLAHOMA,)

Plaintiffs,)

vs.)

Case No. 05-CV-0329-JOE-SAJ

1. TYSON FOODS, INC.,)
2. TYSON POULTRY, INC.,)
3. TYSON CHICKEN, INC.,)
4. COBB-VANTRESS, INC.,)
5. AVAIGEN, INC.,)
6. CAL-MAINE FOODS, INC.,)
7. CAL-MAINE FARMS, INC.,)
8. CARGILL, INC.,)
9. CARGILL TURKEY)
PRODUCTION, LLC,)
10. GEORGE’S, INC.,)
11. GEORGE’S FARMS, INC.,)
12. PETERSON FARMS, INC.,)
13. SIMMONS FOODS, INC., and)
14. WILLOW BROOK FOODS, INC.,)

Defendants.)

**PETERSON FARMS, INC.’S UNOPPOSED MOTION
FOR LEAVE TO FILE OVERSIZED BRIEF**

Defendant Peterson Farms, Inc. (“Peterson”) hereby requests leave from the Court to file a Motion to Dismiss and Incorporated Brief in Support in excess of 25 pages in length pursuant to N.D. LCvR7.1(c). In support of its Motion, Peterson will show the Court.

1. Pursuant to the Court's Order entered on September 9, 2005 (Docket No. 43), Peterson is required to answer or otherwise plead in response to Plaintiffs' Amended Complaint by October 3, 2005.

2. Peterson expects to file on or before the required date, a Motion to Dismiss and Incorporated Brief in Support.

3. Peterson's Motion will respond to Plaintiffs' Amended Complaint, which consisting of 36 pages, and 146 paragraphs of contentions, sets forth 10 counts including claims for cost recovery and natural resource damages under CERCLA, injunctive relief under SDWA, Oklahoma common-law claims for nuisance, trespass and unjust enrichment, claims for federal common-law nuisance, and claims for violations of Oklahoma statutory and regulatory provisions. Peterson asserts that Plaintiffs' Amended Complaint sets forth requests for significant and wide-ranging relief under multiple theories, which raises multiple important legal issues that can, and should be addressed as a matter of law at the outset of this action. Accordingly, Peterson requests leave from the Court to file a Motion and Incorporated Brief consisting of a maximum of 47 pages.

4. Counsel for Peterson has consulted with counsel for Plaintiffs, and is authorized to state that Plaintiffs have no objection to the requested relief.

Therefore, Peterson prays that the Court grant it leave to file a Motion to Dismiss and Incorporated Brief in Support of a maximum length of 47 pages.

Respectfully submitted,

By s/ A. Scott McDaniel

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CERTIFICATE OF SERVICE

I certify that on the 19th day of September 2005, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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TURKEY PRODUCTION, LLC**

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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